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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/544,292	04/06/2000	Brett B. Bonner	02100.0048	8150

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EXAMINER	
LE, UYEN CHAU N	

ART UNIT	PAPER NUMBER
2876	

DATE MAILED: 10/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/544,292	BONNER ET AL.	
	Examiner	Art Unit	
	Uyen-Chau N. Le	2876	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-11 and 13-31* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-11 and 13-31* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Prelim. Amdt/Amendment

1. Receipt is acknowledged of the Amendment filed 7 August 2003.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1, 3-11 and 13-31 remains rejected under 35 U.S.C. 103(a) as being unpatentable over Williams et al (US 6,047,889) in view of Manduley et al (US 5,043,908).

Re claims 1, 3-11 and 13-31: Williams et al discloses a method for sorting objects having machine-readable indicia thereon, comprising the steps of capturing object information from the machine-readable indicia on an object 15 (fig. 2; col. 7, lines 15+); determining, based on the routing

information, a correct sort destination for the object 15 (col. 3, lines 12+); generating a visual command identifying the correct sort destination for the object 15 (col. 6, lines 36+), wherein the object information is captured as the object 15 moves with manual assistance (fig. 2), wherein the generating a visual command identifying the correct sort destination for the object is perform by illuminating an indicator 74 near the correct sort destination; measuring the weight of the object 15 by weighing the correct sort destination containing the object 15 (fig. 3A; col. 6, lines 24+); verifying that the object 15 has been placed/is not placed into the correct sort destination (col. 2, lines 18+; col. 3, lines 19+; col. 6, lines 37+; and col. 7, lines 19+), wherein the verifying step is performed using a scale/weight sensor 170; a management system comprising a control system 30, a user interface 50 wherein the user interface 50 is used to input an operator's identity and to output the operator's identity to the control system 30 (col. 7, lines 45+); the system communicating with the host network (col. 2, line 57 through col. 3, line 67); an Ethernet connection 45 for communication between the control system 30 and at least one external device (col. 3, lines 35-68); a serial port for communication between the control system 30 and at least one diagnostic system (figs. 1-2; col. 6, lines 1+); at least one indicator identifying that an object should be placed in the sort destination (col. 6, lines 54+); and at least one placement sensor 70 for monitoring when an object is placed in the sort destination (col. 6, lines 14+).

Williams et al fails to teach or fairly suggest a step of calculating, creating a record including routing information for each object, weight, sort rate, etc. and uploading the record to a database.

Manduley et al teaches a record 110 is created including an ID for the mail piece, its source and destination address, its weight and the routing information, etc. and uploading to the data base 430 (fig. 7; col. 13, lines 40+).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the teachings of Manduley et al into the teachings of Williams et al in order to provide Williams et al with a more organized and a more secure system wherein all object related information being recorded in the system for later use/checkup in the event of lost or misallocated. Furthermore, such modification would provide Williams et al with the flexibility in checking/tracking the status of the mail piece along the mailing process. Accordingly, such modification would have been an obvious extension as taught by Williams et al to provide a more user-friendly system due to the system's capability of automatically recalculating and updating the database regarding the mail piece's actual arrival time, and therefore an obvious expedient.

4. Claim 2 remains rejected under 35 U.S.C. 103(a) as being unpatentable over Williams et al as modified by Manduley et al as applied to claim 1 above, and further in view of Johnson, Jr. (US 5,262,597). The teachings of Williams et al/Manduley et al have been discussed above.

Re claim 2, Williams et al/Manduley et al has been discussed above but fails to teach or fairly suggest the object information is captured as the object moves on a conveyor belt.

Johnson Jr. teaches the above limitation with a conveyor belt 80 for transporting all airmails (col. 4, lines 26-68).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate a conventional conveyor belt as taught by Johnson et al into the teachings of Williams et al/Manduley et al in order to provide Williams et al/Manduley et al with a less time consuming system, wherein the operator does not have to lift or move the bulky object(s) to the designated scanning area, thus reducing the lifting and carrying the bulky object(s) to the specified area for scanning. Furthermore, such modification would have been an obvious extension as taught by Williams et al/Manduley et al, and therefore an obvious expedient.

Response to Arguments

5. Applicant's arguments filed 7 August 2003 have been fully considered but they are not persuasive.

6. In response to the Applicant's argument with regard to "neither Williams nor Manduley teaches a record for at least one object including the routing information, a weight, a sort rate, a sort accuracy, an idle time, a sort start and stop time, and the number of objects processed" (p. 10-12), the examiner respectfully requests the applicant to review Manduley (col. 13, line 42 through col. 14, line 68), wherein a record is created (i.e., inherently by a recording device) including the routing information (i.e., expected route 426), a weight (i.e., as measured by the mailer 420), a sort rate (col. 8, lines 46-48), a sort accuracy (i.e., its actual arrival time, its current weight, and its current destination address matches the original destination address, etc.), an idle time (i.e., the delayed time involved 446, in which a make-up route is calculated 448), a sort start and stop time (i.e., its source and destination address), and number of object processed (col. 14, lines 17-20). Therefore, given its broadest interpretation, the record creating by the system as taught by Williams in view of Manduley meets the claimed invention of claims 1 and 16.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-

MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Uyen-Chau N. Le whose telephone number is 703-306-5588. The examiner can normally be reached on SUN, M, W, F 6:30-7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MICHAEL G LEE can be reached on (703) 305-3503. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

Uyen -Chau Ngo Le

September 23, 2003

MICHAEL G. LEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800